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Attorneys for Plaintiff Faye Guenther

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE**

FAYE IRENE GUENTHER, an individual, | No. 2:22-cv-00272-TOR

Plaintiff,

V.

No. 2:22-cv-00272-TOR

**THIRD DECLARATION OF
DARIN M. DALMAT ON
SUMMARY JUDGMENT**

JOSEPH H. EMMONS, individually,
and OSPREY FIELD CONSULTING
LLC, a limited liability company,

Defendants.

THIRD DECLARATION OF DARIN M.
DALMATON SUMM. J. – Page 1
Case No. 2:22-cv-00272-TOR

18 WEST MERCER ST., STE. 400 **BARNARD**
SEATTLE, WASHINGTON 98119 **IGLITZIN &**
TEL 800.238.4231 | FAX 206.378.4132 **LAVITT LLP**

1 I, Darin M. Dalmat, hereby declare as follows:

2 1. I am one of the attorneys for Plaintiff Faye I. Guenther.

3 2. I appeared in this case on behalf of Guenther on July 17, 2024.

4 3. Since then, I have undertaken a full review of the materials exchanged
5 in discovery in this case.

6 4. Through that review, I am familiar with the discovery United Food and
7 Commercial Workers (UFCW) Local 367 produced in response to a subpoena issued
8 by the Defendants in this case.

9 5. By email dated November 3, 2023, counsel for Local 367 produced a
10 15-page file, titled “2023_11_03_13_03_22.pdf,” to John DiLorenzo, counsel for
11 the Defendants.

12 6. I attach as **Exhibit 37** a true and correct copy of that email and its
13 accompanying attachment.

14 7. The file, “2023_11_03_13_03_22.pdf,” does not have Bates numbers
15 on it. For the purposes of this declaration, the transmittal email and this attachment
16 have been numbered Dalmat Ex. 37, Pages 1 to 16.

17 8. Pages 9–11 of Exhibit 37 contain a copy of Local 367’s minutes of the
18 July 29, 2021, meeting of its Executive Board.

19 9. A one-page excerpt of those minutes is set forth in ECF No. 106, Ex.
20 27 at 173.

1 10. As reflected in paragraph 28 of my September 25, 2024, declaration, I
2 did not intend to submit only an excerpt of those minutes; I intended to produce the
3 entire three-page minutes. ECF No. 106, ¶ 28. The production of an excerpt only
4 was an inadvertent error, for which I apologize to the Court and to counsel for the
5 Defendants.

6 11. In any case, the full three-page document can be found in Exhibit 37 to
7 this declaration.

8 12. Pages 5–6 of Exhibit 37 contain a copy of Local 367’s minutes of the
9 July 1, 2021, meeting of its Executive Board.

10 13. That document is set forth in ECF No. 106, Ex. 28.

11 14. I have reviewed Mr. DiLorenzo’s October 25, 2024, declaration (ECF
12 No. 123). Paragraph 10 of his declaration attests that, to his knowledge, neither Local
13 367 nor Guenther produced the July 1 or July 29, 2021, minutes of Local 367’s
14 Executive Board.

15 15. If so, he appears to have overlooked the November 3, 2023, email
16 addressed to him, attached here as Exhibit 37.

17 16. I attach as **Exhibit 38** a true and correct copy of Defendants’ initial
18 disclosures in this case.

19 17. I attach as **Exhibit 39** a true and correct copy of excerpts from the
20 transcript of the deposition of Joseph H. Emmons taken on September 6, 2023.

1 I declare under penalty of perjury under the laws of the United States that the
2 foregoing statements are true and correct.

3 Executed on 15th day of November, 2024.

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Darin M. Dalmat

DECLARATION OF SERVICE

I hereby certify that on the date noted below, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system.

PARTY/COUNSEL	DELIVERY INSTRUCTIONS
<p>Ambika Kumar Sara A. Fairchild Davis Wright Tremaine LLP 920 Fifth Ave., Ste. 3300 Seattle, WA 98104 ambikakumar@dwt.com sarafairchild@dwt.com</p>	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> CM/ECF
<p>John A. DiLorenzo Davis Wright Tremaine LLP 560 SW 10th Ave., Ste. 700 Portland, OR 97205 johndilorenzo@dwt.com</p>	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> CM/ECF

DATED this 15th day of November, 2024 at Seattle, Washington.

By: Esmeralda Valenzuela
Esmeralda Valenzuela, Paralegal

DECLARATION OF SERVICE
Case No. 2:22-cv-00272-TOR

18 WEST MERCER ST., STE. 400 BARNARD

SEATTLE, WASHINGTON 98119 **IGLITZIN &**

TEL 800.238.4231 | FAX 206.378.4132

EXHIBIT 37

From: [Jim McGuinness](#)
To: [DiLorenzo, John](#)
Cc: [Aaron Streepy](#)
Subject: UFCW 367 subpoena
Date: Friday, November 3, 2023 4:57:44 PM
Attachments: [2023_11_03_13_03_22.pdf](#)

Hi John:

Attached please find documents responsive to the UFCW 367 subpoena. I anticipate supplementing this response next week. Please let me know if you have any problem opening the file.

Sincerely,

James G. McGuinness
Streepy Law, PLLC
406-300-2072 (cell)



July 1, 2020

To Whom it May Concern,

Please accept this letter as confirmation of employment for Mr. Angel F Gonzalez Irizarry.

As of July 1, 2020, Mr. Angel F Gonzalez Irizarry will be employed full time as the UFCW Union Local 367 President.

The annual income for Mr. Angel F Gonzalez Irizarry is \$140,000.00.

Please feel free to contact me with any questions or concerns.

Sincerely,

Kathleen Meckler

Kathleen Keller Meckler
International Vice-President &
Director, UFCW Region 7 Northwest
kmeckler@ufcw.org
206-575-2211

UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL NO. 367
6403 Lakewood Drive W • Tacoma, WA 98467-3331 • (253) 589-0367 • Outside Pierce Co. (800-562-3645) • FAX (253) 589-1512

Kari White

From: KELLEY NELSON <hines_651@comcast.net>
Sent: Monday, November 11, 2019 9:47 PM
To: Kari White
Subject: Fwd: Local 367 Position
Attachments: Document1.docx; ATT00001.htm

Hi Kari,

Here is my offer letter.

Sincerely,

MH

----- Original Message -----

From: Kate Meckler <kmeckler@ufcw.org>
To: "hines_651@comcast.net" <hines_651@comcast.net>
Date: September 13, 2019 at 3:31 PM
Subject: Local 367 Position

Dear Mike -

I am pleased to send you the below offer of employment at UFCW Local 367 in an executive director position. This position will report directly to the Trustee of Local 367, and eventually to the President of Local 367 upon election.

1. 5% increase over current salary ($104,000 \times 5\% = 5,200.00$)
2. Local will cover all of the healthcare costs (1092.00 health care out of pocket savings)
3. Car Allowance 675.00/month (8100.00)

$$104000.00 + 5200.00 + 1092.00 + 8100.00 = 118,392.00$$

4. 5th week of vacation effective immediately

We are requesting you begin employment on Monday September 24, 2019.

If you need to discuss that start date with me please call me.

Please call me to advise if you accept this offer. Upon acceptance we will formalize this letter and begin the hiring process.

Thank you.

Kate Meckler

Kate Meckler
Sent from my iPhone

Begin forwarded message:

From: Kathleen Meckler <kkmeckler@gmail.com>

Date: September 13, 2019 at 6:23:43 PM EDT

To: Kate Meckler <kmeckler@ufcw.org>

Subject: Position

Kate Meckler

Sent from my iPhone



Angel F González Irizarry, President

Che'ri Farrington, Secretary/Treasurer

Thursday July 1, 2021

Time: 6:00-8:00 PM (6:00 PM)

Call to order-Angel

Quorum Yes / No

Roll Call of Officers – Mike Sherman

President	Angel	González	Vice President #10	Greg	Buttner
Secretary/Treasurer	OPEN		Vice President #11	Torri	Warren Calville
Recorder	Mike	Sherman	Vice President #12	Julee	Richards
Vice President #1	Mike	Solberg	Vice President #13	Shay	Winget EXCUSED
Vice President #2	Joann	Gardner	Vice President #14	Veronica	Armstrong
Vice President #3	Mary	Hutson	Vice President #15	Michael	Whalen
Vice President #4	Albert	Leggett	Vice President #16	Renee	Bushnell
Vice President #5	Ray	Bennett	Vice President #17	Darcy	Ide
Vice President #6	Darrin	Hale	Vice President #18	OPEN	
Vice President #7	Theresa	Durnan Brown	Vice President #19	Cheryl	Aquino
Vice President #8	Lisa	Gasser	Vice President #20	OPEN	
Vice President #9	Naney	Donnell	Vice President #21	Heather	Hemess

Presidents Report – Angel

This meeting was called to nominate and install a member to the position of Secretary Treasurer for local 367.

- Angel Gonzalez expressed the need to change our monthly meeting day and time as the present day is conflicting with our board members being able to attend the Pierce County Labor Council meetings. After much deliberation it was agreed upon to meet monthly on the third Wednesday of each month at 5pm.
- Angel Gonzalez next focused on our need to nominate a person for the position of Secretary Treasurer. He addressed the Bylaws requirement to fill the position within 90 days of the vacancy. Angel thanked Ray Bennett for stepping up to help in the signing of checks. Veronica Armstrong nominated Michael Hines (currently the Executive assistant to the President) for the position of Secretary Treasurer of Local 367. Julee Richards seconded the nomination. Michael Whalen nominated Michael Solberg for the position to which Michael Solberg declined the nomination at this time. Seeing no other nominations being brought forward, Angel closed the nominations and called for a vote on Michael Hines to fill the vacancy of Secretary Treasurer. All 16 voting members voted to appoint Michael Hines as Secretary Treasurer of UFCW Local 367.
 - Angel Gonzalez reached out to Michael Hines to join us via Zoom. Angel gave Michael Hines the Oath of Office in a swearing in ceremony in the presence of all 16 Executive Board members. Michael Hines agreed to uphold and faithfully follow the UFCW bylaws. He pledged his devotion and energies to move our local forward under the guidelines of the Executive Board of directors.
- Briefly discussed were the two open positions (#18 and #20) on the E-Board. Angel asked the board members to consider members to appoint to these positions. We will bring nominations to the next meeting on July 21st, 2021, at 5pm.
- Michael Whalen will be replacing Kris Bauer on the appeals Committee.

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Angel F González Irizarry, President

Che'ri Farrington, Secretary/Treasurer

Veronica Armstrong motioned to adjourn,
Michael Whalen Seconded the motion – Motion Carried,
meeting adjourned at 6:37pm.

Mike Sherman
Recording Secretary
UFCW Local 367

Mike Sherman: Recording Secretary UFCW Local 367

Angel Gonzalez, President UFCW Local 367

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Angel F González Irizarry, President

Che'ri Farrington, Secretary/Treasurer

Wednesday June 16, 2021

Time: 6:00-7:00 PM (6:00 pm)

Call to order-Angel

Quorum Yes / No

Roll Call of Officers – Mike Sherman

President	Angel	González	Vice President #10	Greg	Buttner
Secretary/Treasurer	Che'ri	Farrington	Vice President #11	Terri	Warren Calvillo
Recorder	Mike	Sherman	Vice President #12	Julee	Richards
Vice President #1	Mike	Solberg	Vice President #13	Shay	Winget
Vice President #2	Joann	Gardner	Vice President #14	Veronica	Armstrong
Vice President #3	Mary	Hutson	Vice President #15	Michael	Whalen
Vice President #4	Albert	Leggett	Vice President #16	Renee	Bushnell
Vice President #5	Ray	Bennett	Vice President #17	Darcy	Ide
Vice President #6	Darrin	Hale	Vice President #18	OPEN	
Vice President #7	Theresa	Durnan-Brown	Vice President #19	Cheryl	Aquino
Vice President #8	Lisa	Gasser	Vice President #20	OPEN	
Vice President #9	Nancy	Donnell	Vice President #21	Heather	Herness

Presidents Report – Angel

- Angel Gonzalez announced to the board that UFCW 367 Secretary Treasurer Che'ri Farrington was stepping down voluntarily from her eBoard position due to ongoing health reasons. Che'ri will still be employed at the local as a Union Representative but is stepping away from the Secretary Treasurer duties and responsibilities. Angel addressed the board as to their responsibility to fill the Secretary Treasurer position within 90 days to follow the Union Bylaws. He further stated that he would like to have this position filled with a very capable and competent individual. He expressed that he believed we could accomplish this during the July e-Board meeting.

Discussion followed regarding whether Che'ri would be able to assist in the transition, to which Angel assured the board that she is willing and able to. Question arose regarding the term time limit on this midterm appointment. Angel stated in accordance with the bylaws the term would be through 12/31/2022.

Angel was asked who he thought would be a qualified person to fill the board position.... Angel was hesitant to answer but did put forth that he thought Michael Hines would be well qualified to fill this position. Discussion Followed. Ray Bennett made a motion to elect Michael Hines, discussion followed with the thought that we should wait until the July Meeting – Ray Bennett withdrew his motion to elect Michael Hines at this time. There was no second to his original motion.

Angel expressed that he was looking forward to the July meeting when we could all meet in person.

Call to Adjourn by Cheryl Aquino
 Second by Albert Leggett
 Motion Carried: 6:27 PM

Mike Sherman: Recording Secretary

Angel González, President

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Personnel Action Form

Employee Name:	<u>Michael Hines</u>	Title:	<u>President</u>
Secretary/Treasurer:	<u>Anne-Marie Cavanaugh</u>	Department:	

Employment Status

CURRENT		PROPOSED	
Job Title:	<u>Secretary/ Treasurer</u>	Job Title:	<u>President</u>
Department:		Department:	
Hours/Week	<u>Exempt</u>	Hours/Week	<u>Exempt</u>
Status (F/T, etc.):	<u>Full Time</u>	Status (F/T, etc.):	<u>Full Time</u>
Hourly Rate/Salary:	<u>\$2163.00</u>	Hourly Rate/Salary:	<u>\$2500.00</u>
Effective Date:		Effective Date:	<u>9/13/2021</u>

Personnel Action

<input type="checkbox"/> New Hire	<input checked="" type="checkbox"/> Promotion	<input checked="" type="checkbox"/> Salary Adjustment
<input type="checkbox"/> Rehire/Reinstate	<input type="checkbox"/> Demotion	<input type="checkbox"/> Resignation
<input type="checkbox"/> Temporary Hire	<input type="checkbox"/> Transfer	<input type="checkbox"/> Dismissal
<input type="checkbox"/> Leave of Absence	<input type="checkbox"/> Performance Review	<input type="checkbox"/> Layoff
Leave Date: _____	<input type="checkbox"/> Retirement	<input type="checkbox"/> Abandoned position
Return Date: _____	<input type="checkbox"/> Merit Increase	<input type="checkbox"/> Garnishment

Miscellaneous/Comments:

Manager Approval and Signature		
Request Status:	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
<u>An Cavanaugh</u> Manager Signature	9/21/21 Date	
<u>Michael Hines</u> Signature		



Angel F González Irizarry, President

Michael Hines, Secretary/Treasurer

Thursday July 29, 2021

Time: 5:00-6:00 PM (5:06 pm)

Call to order-Michael

Quorum Yes / No

Roll Call of Officers – Mike Sherman

President	Angel	Gonzalez-VACATION	Vice President #10	Greg	Buttner
Secretary/Treasurer	Michael	Hines (person)	Vice President #11	Terri	Warren-Calville
Recorder	Mike	Sherman (person)	Vice President #12	Julee	Richards (person)
Vice President #1	Mike	Solberg (person)	Vice President #13	Shay	Winget—WORKING
Vice President #2	Joann	Gardner (zoom)	Vice President #14	Veronica	Armstrong (person)
Vice President #3	Mary	Hutson (zoom)	Vice President #15	Michael	Whalen (zoom)
Vice President #4	Albert	Leggett (zoom)	Vice President #16	Renee	Bushnell (zoom)
Vice President #5	Ray	Bennett (person)	Vice President #17	Darey	Ide
Vice President #6	Darrin	Hale—CAMPING	Vice President #18	OPEN	
Vice President #7	Theresa	Durnan Brown (zoom)	Vice President #19	Cheryl	Aquino (zoom)
Vice President #8	Lisa	O’Neil	Vice President #20	OPEN	
Vice President #9	Nancy	Donnell (person)	Vice President #21	Heather	Herness (person)

Mike Hines instructed the Board Members present that the contents of this meeting are to be kept private and not to be shared with the General Membership or the Local Staff and Representatives nor the organizing department. The contents of this meeting are strictly confidential.

Special Report – Michael

- Mike Hines shared with the board that UFCW Local 367 President Angel Gonzalez had submitted a letter of resignation. Angel explained in the letter that he was resigning due to ongoing health issues that he has struggled with for some time. Angel explained that he needed to focus his time and efforts on his health and family. Angel requested if staff and members would provide him and his family privacy.
- Mike continued stating the Local had received a notice from an attorney containing an Allegation of Sexual Misconduct by a member by Angel Gonzalez. He indicated he has invited Aaron Streepy to come speak to the board this evening and to answer any questions they might have. A brief discussion ensued until Aaron’s arrival.
- ~~Arron Streepy (legal counsel for local 367) brought forward that the local had received legal documentation outlining accusations of sexual misconduct on the part of Angel Gonzalez. Arron Streepy set forth several scenarios for us to consider, however, he encouraged us to come to a settlement agreement with the member to limit the exposure the union would have if this matter went to trial. He also indicated if the matter were settled, we would also obtain a non-disclosure agreement to protect the Local and Angel. Much discussion followed.~~
- Joanne Gardner motioned to authorize \$50,000.00 as a settlement agreement. Discussion followed and Mike Solberg amended the motion to authorize \$50,000 to settle the matter and up to \$75,000 pending approval from our insurance provider. — Veronica Armstrong seconded the motion. Motion carried unanimously.
- Mike reviewed the by-laws and noted they require a 30-day moratorium before we can appoint a new president for our local. He asked for a motion for the Executive Board to convene our next regular meeting on August 25th, 2021, at 5pm. Cheryl Aquino motioned to move our meeting to August 25th, 2021. Renee Bushnell seconded the motion. Motion carried unanimously. The question was asked if the meeting could be held on a hybrid basis

UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL NO. 367



Angel F González Irizarry, President

since the Delta variant is climbing so rapidly and Mike Hines stated he would contact the International for approval.

Michael Hines, Secretary/Treasurer

- Mike opened a discussion up indicating that at the next board meeting he would like support and confirmation of himself as President and Anne-Marie Cavanaugh as Secretary/Treasurer. He also stated that he wanted to review a 3point vision with them and would go into further detail at the meeting.
- Angel Gonzalez needs to be removed from all financial responsibilities. Mike asked for a motion to Remove Angel Gonzalez as primary responsibility (Primary Account Holder) from all Financial Institutions under United Food & Commercial Workers Union Local 367 (UFCW Local 367, UFCW 367) name and assign Michael Hines as the primary responsibility individual for same. Mike Solberg made the motion, Ray Bennett seconded. Motion carried unanimously.
- Discussion on Contract Bargaining followed.

Motion to Adjourn Meeting

Call to Adjourn by Heather Harness

Second by Ray Bennett

Motion Carried: 6:35 PM

Mike Sherman: Recording Secretary

Michael Hines, Secretary/Treasurer

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Michael Hines, President

Ane-Marie Cavanaugh, Secretary/Treasurer

Wednesday August 25, 2021

Time: 5:00-7:00 PM (5:09 pm)

Call to order-Michael

Quorum Yes / No

Roll Call of Officers – Mike Sherman

President	OPEN	Vice President #10	Greg	Buttner
Secretary/Treasurer	Michael Hines	Vice President #11	Terri	Warren Calvillo
Recorder	Mike Sherman	Vice President #12	Julee	Richards
Vice President #1	Mike Solberg	Vice President #13	Shay	Winget
Vice President #2	Joann Gardner	Vice President #14	Veronica	Armstrong
Vice President #3	Mary Hutson	Vice President #15	Michael	Whalen
Vice President #4	Albert Leggett	Vice President #16	Renee	Bushnell
Vice President #5	Ray Bennett	Vice President #17	Darcy	Ide
Vice President #6	Darrin Hale	Vice President #18	OPEN	
Vice President #7	Theresa Durnan Brown	Vice President #19	Cheryl	Aquino
Vice President #8	Lisa O'Neill	Vice President #20	OPEN	
Vice President #9	Nancy Donnell	Vice President #21	Heather	Herness

Minutes of Previous Meeting – Mike Sherman

- July 21, 2021 eBoard Meeting - Hardship Fund – Gift Cards >\$2,500.00
- July 29, 2021 eBoard Meeting
 - Angel Gonzalez resignation
 - Settlement for Misconduct Allegation - \$50,000 to settle the matter and up to \$75,000 pending approval from our insurance provider
 - Motion was made and approved to move the August meeting to the 25th

Mike Solberg motioned to accept the minutes as read, Albert Leggett second, motion carried.

Presidents Report – Michael

- A settlement agreement has been made in the allegation of misconduct against former President Angel Gonzalez as mentioned in the previous meeting. The out-of-pocket expense to the local is \$5,000. A confidentiality and non-disclosure agreement have been made between all parties involved.
- Michael presented to the board a history of his background growing up in the Tacoma area attending local schools. His career began with UFCW at age 19 working for Ernst Hardware on Highland Hill (6th Ave.). He worked several other union jobs, and even organized one of the companies he worked for. He worked for 1439, 1001 and UFCW International before working at Local 21. Mike has experience in organizing, working in the grievance department, and bargaining contracts. Mike was recruited to work at 367 by Miles Anderson and Joe Earleywine. Mike and his wife live in the local area, and they plan on retiring here one day when his career with 367 is over.
- Michael stated that he wants our local to stop fighting and work together. He wants us to use our resources and energy to win the war for fairness with our employers and feels he can restore relationship with Local 21's leadership.
- Michael stated he wanted to give the board a 3-point commitment to Local 367.
 1. **Member Driven:** Mike's plan is to train capable people to fill all roles in the local. He expressed the need to have people experienced and trained to take our local well into the future. Mike gave examples of people who show great potential for the upcoming years.
 2. **Fiscal Responsibility:** Mike understands we have been operating in a deficit pattern for several months. He is examining every area in the local to find where we can cut expenses or eliminate non-essential programs. He pointed out areas such as IT, activist app, and wages and salaries.

UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL NO. 367



Michael Hines, President

Ane-Marie Cavanaugh, Secretary/Treasurer

- The Appeals Committee did not meet in the month of August.

Good and Welfare

- Cindy Williams is Retiring September 30, 2021. Michael would like to honor her 14 years at the local and her time she worked at Macy's. We would like to plan lunch for staff and board members to attend with an expense of up to \$2,500.00. This would include lunch and a gift. Ray Bennett motioned to approve up to \$2,500 for party and retirement gift for Cindy Williams, Julee Richards second, Motion carried.
- Mike Solberg asked to be removed from the Appeals Board due to his added responsibilities at the local. He will be removed effective September 1, 2021.
- Michael Hines stated there is a card available wishing Angel Gonzalez well in his next pursuit that will be available until Friday if any of the board members want to stop by and sign it.
- Michael Whalen proposed to local 367 a Street Cleanup Project to promote community and union involvement. They proposed a street next to Hilltop Safeway. Michael Hines and Tonya Burnett will be spearheading this activity. Ray Bennett motioned to authorize this activity, Julee Richards second.
- We are continuing our planning for the Stewards Conference that will be held in January; however, we are reviewing the list of speakers and activities.

Call to Adjourn

Motion by Heather Harness

Second by Committee

Motion Carried 6:28 PM

Mike Sherman
Recording Secretary
UFCW Local 367

Mike Sherman: Recording Secretary, UFCW Local 367

Michael Hines: President, UFCW Local 367

UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL NO. 367

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July 25, 2021

**Officers Staff of UFCW Local 367
Lakewood, WA**

RE: Resignation

Sisters and Brothers:

As many of you know, I have been battling PTSD, anxiety and depression for most of my adult life. Every day is a challenge and many times it is overwhelming, even crippling. It is with regret that I inform you today, that I have decided to resign as President of Local 367 and focus on my health and family. It has been a long hard road fighting for justice for workers. Now it is time to fight for my own life and my health.

It has been the honor of my life to stand shoulder to shoulder with you and fight for our members to bring back our Local 367 to its rightful place with dignity, respect and honor. Thank you for your hard work and support. You are well on your way, and I have every confidence that you will be victorious in your struggle.

You are all in my heart and I will carry you with me always!

Fair winds and following seas, my Labor Siblings!

In Solidarity,

Angel

July 25, 2021

**Michael Hines
Secretary Treasurer
UFCW Local 367
Lakewood, WA**

RE: Resignation

Mike:

For health reasons, I resign as President of UFCW Local 367 effective immediately. It has been an honor to work with you and all the staff of our Local Union. I will now take my retirement and focus on my health and family.

With the warmest regards, I remain

In Solidarity,

Angel F. Gonzalez Izarry



. President

Michael Hines, Secretary/Treasurer

August 5, 2021

RE: Angel F González Irizarry

To whom it may concern:

This letter is to advise that Angel F Gonzalez Irizarry resigned his position as President of UFCW Local 367 effective July 25, 2021.

As such, the Medical, Dental and Vision coverage through United Healthcare will end on August 31, 2021, respectively.

If you have any questions, please contact Kari White at 253-589-0367 x110.

In Solidarity,

A handwritten signature in black ink that appears to read "Michael Hines".

Michael Hines
Secretary/Treasurer

cc: File

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Dalmat Ex. 37, Page 16 of 16

EXHIBIT 38

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2 Sara A. Fairchild, WSBA #54419
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9

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

12 FAYE IRENE GUENTHER,
13 an individual,

14 Plaintiff,

15 v.
16 JOSEPH H. EMMONS, individually,
17 AND OSPREY FIELD CONSULTING
LLC, a limited liability company,

18 Defendants.

No. 2:22-cv-00272-TOR

DEFENDANTS' RULE 26(a)(1)
INITIAL DISCLOSURES

19

20

21

22

23

EXHIBIT	
C	
DEPONENT NAME:	DATE:
J. Emmons	9/16/23

DEFENDANTS' INITIAL DISCLOSURES
Case No. 2:22-cv-00272-TOR

Davis Wright Tremaine LLP
LAW OFFICES
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610
206.622.3150 main · 206.757.7700 fax

1 Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendants Joseph H.
 2 Emmons and Osprey Field Consulting LLC provide the following initial
 3 disclosures.

4 Defendants base these disclosures on the information reasonably available to
 5 them. Discovery as well as Defendants' investigation and analysis may yield
 6 additional information. Defendants reserve all rights to supplement, revise,
 7 correct, clarify, or otherwise amend these disclosures, should additional
 8 information become available in the future.

9 By making these disclosures, Defendants do not represent that they are
 10 identifying every document, tangible thing, or witness possibly relevant to this
 11 lawsuit. Nor do Defendants waive their right to object to the production of any
 12 document or tangible thing disclosed on the basis of any privilege, the work
 13 product doctrine, proportionality, relevancy, undue burden, or any other valid
 14 objection. Rather, Defendants have identified individuals and information they
 15 reasonably believe at this time may be used to support their defenses, as Rule
 16 26(a)(1) requires.

17 Further, Defendants do not waive the right to object to the use of these
 18 disclosures, for any purpose, in whole or in part, in this or any other action; to
 19 object to any other discovery request involving or relating to the subject matter of
 20 these disclosures; or to seek a protective order for any information to be provided
 21 in discovery in this case.

1 **A. Individuals Likely to Have Discoverable Information**

2 The following individuals may have discoverable information Defendants
 3 may use to support their defenses. Defendants also incorporate by reference all
 4 persons noticed for deposition, whether by Defendants or Plaintiff, and disclosed
 5 by Plaintiff in this litigation, including through disclosures or witness lists.

	NAME	CONTACT INFORMATION	SUBJECT MATTER
1.	Joseph Emmons	c/o Davis Wright Tremaine LLP	Information regarding the allegations in the Complaint; Mr. Emmons' knowledge and beliefs concerning the flyer's statements; and other facts and circumstances related to the Complaint's allegations.
2.	Michael Selvaggio	c/o Davis Wright Tremaine LLP	Information relating to the flyer's statements.
3.	Faye Irene Guenther	c/o Streepy Law, PLLC	Information regarding the allegations in the Complaint; Ms. Guenther's relationship and communications with Angel Gonzalez, Mike Hines, Eric Renner, and Jeff Anderson; Ms. Guenther's knowledge of harassment allegations or other complaints against Angel Gonzalez and Eric Renner; the merger of UFCW 21 and UFCW 1439 and Ms. Guenther's involvement in initiating, structuring, negotiating, and otherwise facilitating it; Ms. Guenther's, UFCW 21's, and UFCW 3000's communications with UFCW members; Ms. Guenther's access to channels of communication, including

	NAME	CONTACT INFORMATION	SUBJECT MATTER
			without limitation campaigning, written communications, and media appearances; Ms. Guenther's alleged damages; and other facts and circumstances related to the Complaint's allegations and the flyer's statements.
4.	Angel Gonzalez	Unknown	Information regarding the allegations in the Complaint; Mr. Gonzalez's relationship and communications with Faye Guenther and Mike Hines; allegations of harassment against Mr. Gonzalez; the circumstances surrounding Mr. Gonzalez's resignation from UFCW 367 leadership; and other facts and circumstances related to the flyer's statements.
5.	Mike Hines	Unknown	Information regarding the allegations in the Complaint; Mr. Hines' relationship and communications with Faye Guenther; the circumstances surrounding Mr. Hines' replacement of Angel Gonzalez as UFCW 367 President; and other facts and circumstances related to the flyer's statements.
6.	Eric Renner	Unknown	Information regarding the allegations in the Complaint; Mr. Renner's relationship and communications with Faye Guenther; allegations of harassment against Mr. Renner; the circumstances surrounding Mr. Renner's

	NAME	CONTACT INFORMATION	SUBJECT MATTER
1			resignation from UFCW 1439 leadership; how Mr. Renner obtained his role in UFCW 3000; and other facts and circumstances related to the flyer's statements.
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4			
5	7. Jeff Anderson	Ph: 503-551-8199	Information regarding the allegations in the Complaint; Mr. Anderson's relationship and communications with Faye Guenther, UFCW 3000, UFCW 21, and UFCW 1439; circumstances relating to Mr. Anderson's separation from UFCW 555, his severance and non-disclosure agreements, and his request to remain an anonymous source for plaintiff; and other facts and circumstances related to the Complaint's allegations.
6			
7			
8	8. United Food and Commercial Workers International Union	1775 K Street NW Washington, DC 20006	Information regarding the merger of UFCW 21 and UFCW 1439; and complaints and/or investigations involving Faye Guenther, Angel Gonzalez, and/or Eric Renner.
9			
10	9. United Food and Commercial Workers Local Union 3000	c/o Streepy Law, PLLC	Information regarding the allegations in the Complaint; the merger of UFCW 21 and UFCW 1439, including Faye Guenther's role in initiating, structuring, negotiating, and otherwise facilitating it; UFCW 21's, UFCW 1439's, and Faye Guenther's communications with members concerning the proposed merger and the flyer; Faye Guenther's access to
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1	NAME	CONTACT INFORMATION	SUBJECT MATTER
2			channels of communication; complaints and/or investigations involving Eric Renner prior to the merger; Faye Guenther's alleged damages; and other facts and circumstances related to the flyer's statements.
10.	United Food and Commercial Workers Local Union 367	6403 Lakewood Dr. W. Tacoma, WA 98467 (253) 589-0367	Information regarding complaints involving Angel Gonzalez and any related investigation; Angel Gonzalez's resignation from his role as UFCW 367 President; Mike Hines' replacement of Angel Gonzalez as UFCW 367 President; and other facts and circumstances related to the flyer's statements.

Discovery in this case is continuing, and Defendants reserve the right to supplement the list of potential witnesses, if appropriate, in the future.

B. Documents Relevant to Defendants' Defenses

Defendants may use the following categories of documents, electronically stored information, or tangible things in their possession, custody, or control to support their defenses:

- Emails concerning the flyer and any attachments

These documents are located at Defendants' principal place of business or at the offices of Davis Wright Tremaine LLP, 920 Fifth Avenue, Suite 3300, Seattle, Washington 98104.

1 **C. Computation of Damages**

2 Defendants have not made a claim for damages.

3 **D. Insurance Agreements**

4 Defendants are unaware of any insurance policy that may cover a judgment
5 against them in this lawsuit.

6 DATED this 13th day of July, 2023.

7 Attorneys for Defendants

8
9 By: s/Ambika Kumar
10 Ambika Kumar, WSBA #38237
11 Sara A. Fairchild, WSBA #54419
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21 John A. DiLorenzo (*pro hac vice*)
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14 Telephone: (503) 241-2300
15 Fax: (503) 778-5299
16 johndilorenzo@dwt.com

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2023, I caused the document to which this certificate is attached to be served via email per agreement:

Aaron Streepy
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522 W. Riverside Ave., Ste. 700
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Attorneys for Plaintiff Faye Irene Guenther

I declare under penalty of perjury that the foregoing is true and accurate.

DATED this 13th day of July, 2023.

By: s/ Sara A. Fairchild
Sara A. Fairchild, WSBA #54419

EXHIBIT 39



COURT REPORTING

LEGAL VIDEOGRAPHY

VIDEOCONFERENCING

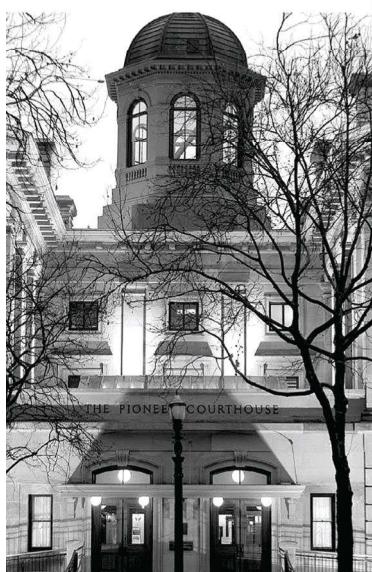
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IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

FAYE IRENE GUENTHER, an
individual,

Plaintiff,

vs.

NO. 2:22-cv-00272-TOR

JOSEPH H. EMMONS, individually,
and OSPREY FIELD CONSULTING, LLC,
a limited liability company,

Defendants.

VIDEOTAPED DEPOSITION OF
JOSEPH H. EMMONS

TAKEN ON
WEDNESDAY, SEPTEMBER 6, 2023
9:19 A.M.

920 FIFTH AVENUE
SEATTLE, WASHINGTON

1 Q. Did you leave in 2016?

2 A. Leave Direct Action Partners?

3 Q. Yes. I'm sorry. Thank you.

4 A. May have been 2017.

5 Q. Okay. So either -- around 2016-2017?

6 A. Yes.

7 Q. And then you go to Hilltop?

8 A. Yes.

9 Q. Okay. And did you work with Mr. Selvaggio when
10 you were at the Direct Action Partners?

11 A. Yes.

12 Q. And what sort of things did you do with Mr.
13 Selvaggio?

14 A. I ran community outreach projects for him.

15 Q. Did you do signature gathering?

16 A. Yes.

17 Q. And how would you describe your working
18 relationship with him during this time?

19 A. Positive.

20 Q. Did you do any work for labor organizations in the
21 state of Oregon during this period of time with Direct
22 Action Partners?

23 A. I can't be sure of all their clients.

24 Q. Do you recall?

25 A. No, I do not recall.

1 A. Yes.

2 Q. **Can you give me an idea who you worked for?**

3 A. The Democratic Party of Oregon.

4 I'm not sure who the client was for extending MAX
5 light rail, or who the client was for dispensaries in
6 Creswell, approving dispensaries in Creswell.

7 Q. **Okay. And you left in 2018?**

8 A. Yes.

9 Q. **And where did you work next?**

10 A. I was an independent contractor.

11 Q. **So a sole proprietor?**

12 A. Yes.

13 Q. **Did you have a business name of any kind?**

14 A. No.

15 Q. **What was the nature of your sole proprietorship
16 business?**

17 A. Same work I've been doing.

18 Q. **Same political work?**

19 A. Yes.

20 Q. **Community outreach?**

21 A. Yes.

22 Q. **And for what period of time did you work as an
23 independent contractor?**

24 A. Until the beginning of 2020.

25 Q. **And during this time did you work with Mr.**

1 Q. Okay. So from this 2018 around to 2020, you're
2 doing independent contractor work for Mr. Selvaggio and
3 specifically his business entities Ridgelark Strategies and
4 Osprey Field Services?

5 A. Periodically.

6 Q. Periodically. Okay. What sort of -- I'm sorry.

7 A. As well as Postmates.

8 Q. Postmates?

9 A. Yeah.

10 Q. What's that?

11 A. Food delivery service. It was a rough time.

12 Q. And was Mr. Selvaggio, through these two
13 companies, providing services to other clients?

14 A. Not to -- I don't know.

15 Q. I'm getting -- I'm wondering if, like, you were
16 providing services to him for his clients.

17 A. Yes.

18 Q. And did any of his clients include labor
19 organizations, to the best of your knowledge?

20 A. I don't know who all his clients were.

21 Q. Did you perform any work for him that -- in
22 connection with labor organization?

23 A. Not to the best of my knowledge, no.

24 Q. Retail businesses?

25 A. No.

1 merger," right?

2 A. Uh-huh.

3 Q. And it talks about a forced merger, right?

4 A. Through a forced -- and land a cushy new gig with
5 Local 21 through a forced merger.

6 Q. That's what the flier says?

7 A. Yes.

8 Q. Did you have any conversations with Mr. Selvaggio
9 specifically about that topic?

10 A. No. It was about the merger itself.

11 Q. What did he say about the merger, if anything, to
12 you?

13 A. That it was occurring. I don't recall anything
14 else. Oh, it was occurring, and that these people that had
15 these investigations and accusations against them were
16 coming back.

17 Q. To your knowledge, was Osprey or Ridgelark hired
18 by any entity to provide services related to the merger or
19 proposed merger between Local 21 and 1439?

20 A. Regarding the merger?

21 Q. Yeah.

22 A. No.

23 Q. Do you know whether Mr. Selvaggio provides
24 services to -- or Ridgelark, to any labor organizations
25 other than Local 555?

1 A. I'm not aware of who all his clients are.

2 Q. I understand that. But to your knowledge, to the
3 extent you are aware, are you aware of any clients other
4 than UFCW Local 555, of Ridgelark?

5 A. I'm not aware, but again, I cannot know.

6 Q. Are any third parties paying or helping to pay
7 your legal fees in connection with this case, either
8 directly or indirectly?

9 A. I honestly do not know who's paying my legal fees.

10 Q. Do you get bills?

11 A. No.

12 Q. Did you -- Does Osprey maintain an insurance
13 policy?

14 A. What type of insurance policy?

15 Q. Well, for business practices. Liability for
16 business practices, a general liability policy, any policy
17 that insures the business and its practices.

18 A. I have unemployment insurance.

19 Q. Let me say it this way. Let me ask it this way.

20 Did you make any claim under an insurance policy
21 covering Osprey, to pay your attorneys fees in this case?

22 A. No.

23 Q. Or in the event there's a verdict, pay the verdict
24 in this case, or portions of it?

25 A. No.

1 CERTIFICATE
2

3 I, the undersigned, Joseph Kolber, am a
4 videographer on behalf of NAEGELI Deposition & Trial. I
5 do hereby certify that I have accurately made the video
6 recording of the deposition of Joseph H. Emmons,
7 in the above captioned matter on the 6th day of
8 September, 2023, taken at the location of 920 Fifth
9 Avenue, Suite 3300, Seattle, WA 98104.

10
11 No alterations, additions, or deletions were made
12 thereto.

13
14 I further certify that I am not related to any of
15 these parties in the matter and I have no financial
16 interest in the outcome of this matter.

17
18
19 
20

21 Joseph Kolber
22
23
24
25

1

C E R T I F I C A T E

2

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

4

5 I, the undersigned Washington Certified Court
6 Reporter, hereby certify that the foregoing deposition
7 upon oral examination of the witness named herein was
8 taken stenographically before me and transcribed under
9 my direction;

10 That pursuant to RCW 5.28.10, the witness, before
11 examination, was first duly sworn by me to testify
12 truthfully; that the transcript of the deposition is a
13 full, true, and correct transcript, to the best of my
14 ability;

15 That I am neither attorney for nor a relative or employee
16 of any of the parties to the action or any attorney or
17 counsel by the parties hereto nor financially interested
18 in its outcome.

19

20 IN WITNESS WHEREOF, I have hereunto set my hand
21 this 19th day of September 2023.

22

23



24

25 _____
26 Patricia A. Blevins
27 Certified Court Reporter No. 2484

28

29

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